

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

EVELYN FREEMAN,)	
)	
PLAINTIFF,)	
)	
VS.)	CASE 1:08-CV-154-SRW
)	
STERLING JEWELERS, INC.)	
ET AL.)	
)	
DEFENDANTS.)	

MOTION TO STRIKE

Comes now the Plaintiff in the above-styled cause, by and through her undersigned attorneys, and moves the Court to strike Defendants' Reply to Plaintiff's Response to Stay Proceedings and Compel Utilization of the Resolve Program which Involves Binding Arbitration and Incorporating Memorandum Law, and states for grounds as follows:

1. Defendants were directed, per this Court's Order of April 3, 2008, to file any such response on or before April 13, 2008.
2. It appears that said response was in fact filed electronically on April 14, 2008.

WHEREFORE, the premises considered, Plaintiff prays the Court would strike Defendant's Response as untimely filed.

MOTION DENIED

THIS 22nd DAY OF April, 2008

UNITED STATES MAGISTRATE JUDGE

Respectfully submitted this the 15th day of April, 2008.

\s\ Joseph W. Lewis
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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of April, 2008, I electronically filed the foregoing with the Clerk of the Court using Alafile system, which will send electronic notification of such filing to the following or I will send in the US mail if not electronically mailed:

**Honorable Mieke A. Hemstreet
First Commercial Bank Building
800 Shades Creek Partway, Suite 870
Birmingham, Alabama 35209**

**Honorable David Block
One Biscayne Tower
2 Biscayne Blvd., Suite 3500
Miami, Florida 33131**

\s\ Joseph W. Lewis
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